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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,052	11/03/2003	Charles A. Byrne	MAMMOTH-44436	5529
26252	7590	06/13/2006	EXAMINER	
KELLY LOWRY & KELLEY, LLP 6320 CANOGA AVENUE SUITE 1650 WOODLAND HILLS, CA 91367			STAICOVICI, STEFAN	
		ART UNIT	PAPER NUMBER	
			1732	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/701,052	BYRNE, CHARLES A.	
	Examiner	Art Unit	
	Stefan Staicovici	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 March 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-25 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-25 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's response filed March 29, 2006 has been entered. Claims 1-25 are pending in the instant application.
2. The Declaration under 37 CFR 1.132 filed March 29, 2006 is sufficient to overcome the rejection of claims 1-25 based upon the teachings of Levin *et al.* (US Patent No. 6,672,252 B2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denesuk *et al.* (US Patent No. 6,576,246 B1) in view of Kamiura *et al.* (US Patent No.4,605,527).

Denesuk *et al.* ('246) teach the basic claimed process for making a pet chew toy including, injection or compression molding a pet chew toy (col. 8, lines 61-65) having a polyurethane (rubber) matrix (col. 8, lines 28-35) and, nylon or polyester fiber material (col. 8, lines 1-11).

Regarding claim 1, although Denesuk *et al.* ('246) teach compression molding a rubber/fiber composition, Denesuk *et al.* ('246) do not teach placing a fiber material between

rubber sheets. However, forming a rubber/fiber composition by rolling two sheets of rubber onto a layer of synthetic fibers is well known as evidenced by Kamiura *et al.* ('527) who teach forming a rubber/fiber composition by rolling two sheets of rubber (4a, 4b) onto a layer of synthetic fibers (1) (see col. 3, lines 40-55 and Figure 1) to form a fiber reinforced rubber sheet, cutting said sheet into strips and molding said strips. Therefore, it would have been obvious for one of ordinary skill in the art to have formed a rubber/fiber composition by rolling two sheets of rubber onto a layer of synthetic fibers as taught by Kamiura *et al.* ('527) to be molded in the process Denesuk *et al.* ('246) because, Kamiura *et al.* ('527) teach an efficient process for making a rubber/fiber composition whereas Denesuk *et al.* ('246) requires compression molding a rubber/fiber composition, hence requiring the teachings of Kamiura *et al.* ('527) to function as described.

In regard to claim 5, Denesuk *et al.* ('246) teaches a pet chew toy (col. 8, lines 61-65) having a polyurethane (rubber) matrix (col. 8, lines 28-35) and, nylon or polyester fiber material (col. 8, lines 1-11).

Specifically regarding claim 6, Denesuk *et al.* ('246) teaches compression molding (col. 8, lines 61-65).

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denesuk *et al.* (US Patent No. 6,576,246 B1) in view of Kamiura *et al.* (US Patent No. 4,605,527) and in further view of Sasson, Jr. (US Patent No. 6,341,771 B1).

Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) teach the basic claimed process as described above.

Regarding claim 2, although Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) teach injection or compression molding a polyurethane (rubber) material, Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) do not teach forming rubber sheets and cutting said rubber sheets into strips. However, forming rubber sheets and cutting said sheets into strips in an injection molding process of rubber is well known as evidenced by Sasson, Jr. ('771) who specifically teaches that injection molding of rubber includes, mixing rubber material, forming a rubber sheet, cutting said rubber sheet into strips and loading said strips into an injection molding machine (see col. 1, lines 15-33). Therefore, it would have been obvious for one of ordinary skill in the art to have formed a rubber sheet and cut said sheet into strips as taught³³ by Sasson, Jr. ('771) and, fed said strips to an injection molding machine in the process Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) because, Sasson, Jr. ('771) specifically teaches that injection molding of rubber includes such steps, whereas Denesuk *et al.* ('246) teach injection molding a rubber material, hence requiring the steps of Sasson, Jr. ('771) to function as described.

6. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denesuk *et al.* (US Patent No. 6,576,246 B1) in view of Kamiura *et al.* (US Patent No. 4,605,527) and in further view of Willinger (US Patent No. 6,622,659 B2).

Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) teach the basic claimed process as described above.

Regarding claims 3-4, although Denesuk *et al.* ('246) teach a polyurethane (rubber) material, Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) do not teach a tire rubber material mixed with carbon black. Willinger ('659) teaches a pet chew toy made from a tire

rubber material mixed with carbon black (see col. 6, lines 36-43). Therefore, it would have been obvious for one of ordinary skill in the art to have used a tire rubber material mixed with carbon black as taught by Willinger ('659) to make the pet chew toy by the process of Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) because, Willinger ('659) teaches that such a material provides for hot and cold resistance and resilience approaching that of natural rubber, hence providing for an improved product and also because, both Denesuk *et al.* ('246) and Willinger ('659) teach similar end-products that require similar properties and characteristics.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denesuk *et al.* (US Patent No. 6,576,246 B1) in view of Kamiura *et al.* (US Patent No.4,605,527) and in further view of Sasson, Jr. (US Patent No. 6,341,771 B1).

Denesuk *et al.* ('246) teach the basic claimed process for making a pet chew toy including, injection or compression molding a pet chew toy (col. 8, lines 61-65) having a polyurethane (rubber) matrix (col. 8, lines 28-35) and, nylon or polyester fiber material (col. 8, lines 1-11).

Regarding claim 14, although Denesuk *et al.* ('246) teach compression molding a rubber/fiber composition, Denesuk *et al.* ('246) do not teach placing a fiber material between rubber sheets. However, forming a rubber/fiber composition by rolling two sheets of rubber onto a layer of synthetic fibers is well known as evidenced by Kamiura *et al.* ('527) who teach forming a rubber/fiber composition by rolling two sheets of rubber (4a, 4b) onto a layer of synthetic fibers (1) (see col. 3, lines 40-55 and Figure 1) to form a fiber reinforced rubber sheet, cutting said sheet into strips and molding said strips. Therefore, it would have been obvious for

one of ordinary skill in the art to have formed a rubber/fiber composition by rolling two sheets of rubber onto a layer of synthetic fibers as taught by Kamiura *et al.* ('527) to be molded in the process Denesuk *et al.* ('246) because, Kamiura *et al.* ('527) teach an efficient process for making a rubber/fiber composition whereas Denesuk *et al.* ('246) requires compression molding a rubber/fiber composition, hence requiring the teachings of Kamiura *et al.* ('527) to function as described.

Further regarding claim 14, although Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) teach injection or compression molding a polyurethane (rubber) material, Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) do not teach forming rubber sheets and cutting said rubber sheets into strips. However, forming rubber sheets and cutting said sheets into strips in an injection molding process of rubber is well known as evidenced by Sasson, Jr. ('771) who specifically teaches that injection molding of rubber includes, mixing rubber material, forming a rubber sheet, cutting said rubber sheet into strips and loading said strips into an injection molding machine (see col. 1, lines 15-33). Therefore, it would have been obvious for one of ordinary skill in the art to have formed a rubber sheet and cut said sheet into strips as taught³³ by Sasson, Jr. ('771) and, fed said strips to an injection molding machine in the process Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) because, Sasson, Jr. ('771) specifically teaches that injection molding of rubber includes such steps, whereas Denesuk *et al.* ('246) teach injection molding a rubber material, hence requiring the steps of Sasson, Jr. ('771) to function as described.

In regard to claim 16, Denesuk *et al.* ('246) teaches a pet chew toy (col. 8, lines 61-65) having a polyurethane (rubber) matrix (col. 8, lines 28-35) and, nylon or polyester fiber material (col. 8, lines 1-11).

8. Claims 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denesuk *et al.* (US Patent No. 6,576,246 B1) in view of Kamiura *et al.* (US Patent No.4,605,527) and in further view of Sasson, Jr. (US Patent No. 6,341,771 B1) and Willinger (US Patent No. 6,622,659 B2).

Denesuk *et al.* ('246) teach the basic claimed process for making a pet chew toy including, injection or compression molding a pet chew toy (col. 8, lines 61-65) having a polyurethane (rubber) matrix (col. 8, lines 28-35) and, nylon or polyester fiber material (col. 8, lines 1-11).

Regarding claim 21, although Denesuk *et al.* ('246) teach compression molding a rubber/fiber composition, Denesuk *et al.* ('246) do not teach placing a fiber material between rubber sheets. However, forming a rubber/fiber composition by rolling two sheets of rubber onto a layer of synthetic fibers is well known as evidenced by Kamiura *et al.* ('527) who teach forming a rubber/fiber composition by rolling two sheets of rubber (4a, 4b) onto a layer of synthetic fibers (1) (see col. 3, lines 40-55 and Figure 1) to form a fiber reinforced rubber sheet, cutting said sheet into strips and molding said strips. Therefore, it would have been obvious for one of ordinary skill in the art to have formed a rubber/fiber composition by rolling two sheets of rubber onto a layer of synthetic fibers as taught by Kamiura *et al.* ('527) to be molded in the process Denesuk *et al.* ('246) because, Kamiura *et al.* ('527) teach an efficient process for

making a rubber/fiber composition whereas Denesuk *et al.* ('246) requires compression molding a rubber/fiber composition, hence requiring the teachings of Kamiura *et al.* ('527) to function as described.

Further regarding claim 21, although Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) teach injection or compression molding a polyurethane (rubber) material, Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) do not teach forming rubber sheets and cutting said rubber sheets into strips. However, forming rubber sheets and cutting said sheets into strips in an injection molding process of rubber is well known as evidenced by Sasson, Jr. ('771) who specifically teaches that injection molding of rubber includes, mixing rubber material, forming a rubber sheet, cutting said rubber sheet into strips and loading said strips into an injection molding machine (see col. 1, lines 15-33). Therefore, it would have been obvious for one of ordinary skill in the art to have formed a rubber sheet and cut said sheet into strips as taught³³ by Sasson, Jr. ('771) and, fed said strips to an injection molding machine in the process Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) because, Sasson, Jr. ('771) specifically teaches that injection molding of rubber includes such steps, whereas Denesuk *et al.* ('246) teach injection molding a rubber material, hence requiring the steps of Sasson, Jr. ('771) to function as described.

Further regarding claim 21, although Denesuk *et al.* ('246) teach a rubber material, Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) and in further view of Sasson, Jr. ('771) do not teach a tire rubber material mixed with carbon black. Willinger ('659) teaches a pet chew toy made from a tire rubber material mixed with carbon black (see col. 6, lines 36-43). Therefore, it would have been obvious for one of ordinary skill in the art to have used a tire

rubber material mixed with carbon black as taught by Willinger ('659) to make the pet chew toy by the process of Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) and in further view of Sasson, Jr. ('771) because, Willinger ('659) teaches that such a material provides for hot and cold resistance and resilience approaching that of natural rubber, hence providing for an improved product and also because, both Denesuk *et al.* ('246) and Willinger ('659) teach similar end-products that require similar properties and characteristics.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denesuk *et al.* (US Patent No. 6,576,246 B1) in view of in view of Kamiura *et al.* (US Patent No.4,605,527) and in further view of Edwards (US Patent No. 4,513,014).

Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) teach the basic claimed process as described above.

Regarding claim 12, Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) do not teach adding a scent to the rubber material. Edwards ('014) teaches a polyurethane pet chew toy having a liquid scent added prior to molding said pet chew toy (see Abstract, col. 6, lines 28-30 and col. 7, lines 43-58). Therefore, it would have been obvious for one of ordinary skill in the art to have added a scent as taught by Edwards ('014) to make the pet chew toy by the process of Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) because, Edwards ('014) teaches that adding a scent provides for improved taste/aroma that is pleasing to the pet, hence providing for an improved product and also because, all references teach similar end-products that require similar properties and characteristics.

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denesuk *et al.* (US Patent No. 6,576,246 B1) in view of Kamiura *et al.* (US Patent No. 4,605,527) and in further view of Sasson, Jr. (US Patent No. 6,341,771 B1) and Edwards (US Patent No. 4,513,014).

Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) and in further view of Sasson, Jr. ('771) teach the basic claimed process as described above.

Regarding claim 20, Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) and in further view of Sasson, Jr. ('771) do not teach adding a scent to the rubber material. Edwards ('014) teaches a polyurethane pet chew toy having a liquid scent added prior to molding said pet chew toy (see Abstract, col. 6, lines 28-30 and col. 7, lines 43-58). Therefore, it would have been obvious for one of ordinary skill in the art to have added a scent as taught by Edwards ('014) to make the pet chew toy by the process of Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) and in further view of Sasson, Jr. ('771) because, Edwards ('014) teaches that adding a scent provides for improved taste/aroma that is pleasing to the pet, hence providing for an improved product and also because, all references teach similar end-products that require similar properties and characteristics.

11. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denesuk *et al.* (US Patent No. 6,576,246 B1) in view of Kamiura *et al.* (US Patent No. 4,605,527) and in further view of Sasson, Jr. (US Patent No. 6,341,771 B1), Willinger (US Patent No. 6,622,659 B2) and Edwards (US Patent No. 4,513,014).

Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) and in further view of Sasson, Jr. ('771) and Willinger ('659) teach the basic claimed process as described above.

Regarding claim 25, Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) and in further view of Sasson, Jr. ('771) and Willinger ('659) do not teach adding a scent to the rubber material. Edwards ('014) teaches a polyurethane pet chew toy having a liquid scent added prior to molding said pet chew toy (see Abstract, col. 6, lines 28-30 and col. 7, lines 43-58). Therefore, it would have been obvious for one of ordinary skill in the art to have added a scent as taught by Edwards ('014) to make the pet chew toy by the process of Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) and in further view of Sasson, Jr. ('771) and Willinger ('659) because, Edwards ('014) teaches that adding a scent provides for improved taste/aroma that is pleasing to the pet, hence providing for an improved product and also because, all references teach similar end-products that require similar properties and characteristics.

12. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denesuk *et al.* (US Patent No. 6,576,246 B1) in view of Kamiura *et al.* (US Patent No. 4,605,527) and in further view of Markham *et al.* (US Patent No. 4,802,444).

Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) teach the basic claimed process as described above.

Regarding claim 13, although Denesuk *et al.* ('246) teach an injection molded pet chew toy, Denesuk *et al.* ('246) do not teach a tire configuration. However, a tire shaped pet chew toy is well known as evidenced by Markham *et al.* ('444) who teach an injection molded rubber pet chew toy having a ring (tire) configuration (see col. 1, lines 10-16). Therefore, it would have been obvious for one of ordinary skill in the art to have formed a ring shaped pet chew toy as taught by Markham *et al.* ('444) by the process of Denesuk *et al.* ('246) in view of Kamiura *et al.*

(‘527) because, Markham *et al.* (‘444) teach that such a shape is known to exist in the marketplace as an equivalent alternative to a bone-shaped toy and also because, both Denesuk *et al.* (‘246) and Markham *et al.* (‘444) teach similar end-products that require similar properties and characteristics.

13. Claims 7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denesuk *et al.* (US Patent No. 6,576,246 B1) in view of Kamiura *et al.* (US Patent No.4,605,527) and in further view of Markham *et al.* (US Patent No. 5,904,118).

Denesuk *et al.* (‘246) in view of Kamiura *et al.* (‘527) teach the basic claimed process as described above.

Regarding claims 7 and 9-11, Denesuk *et al.* (‘246) in view of Kamiura *et al.* (‘527) do not teach a pet chew toy having a rope and a buoyant insert made from a closed cell foam inserted into a cavity of said toy. Markham *et al.* (‘118) teach a molded pet chew toy having a rope attached and a buoyant insert made from a closed cell foam inserted into a cavity of said toy (see col. 2, lines 6-16 and Figure 6). Therefore, it would have been obvious for one of ordinary skill in the art to have formed a pet chew toy having a rope and a buoyant insert made from a closed cell foam inserted into a cavity of said toy as taught by Markham *et al.* (‘118) using the process of Denesuk *et al.* (‘246) in view of Kamiura *et al.* (‘527) because, Markham *et al.* (‘118) teach that such a pet toy provides for an improved product by permitting increased visibility when pets play in the water.

14. Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denesuk *et al.* (US Patent No. 6,576,246 B1) in view of Kamiura *et al.* (US Patent

No.4,605,527) and in further view of Sasson, Jr. (US Patent No. 6,341,771 B1) and Markham *et al.* (US Patent No. 5,904,118).

Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) and in further view of Sasson, Jr. ('771) teach the basic claimed process as described above.

Regarding claims 17 and 19, Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) and in further view of Sasson, Jr. ('771) do not teach a pet chew toy having a rope and a buoyant insert made from a closed cell foam inserted into a cavity of said toy. Markham *et al.* ('118) teach a molded pet chew toy having a rope attached and a buoyant insert made from a closed cell foam inserted into a cavity of said toy (see col. 2, lines 6-16 and Figure 6). Therefore, it would have been obvious for one of ordinary skill in the art to have formed a pet chew toy having a rope and a buoyant insert made from a closed cell foam inserted into a cavity of said toy as taught by Markham *et al.* ('118) using the process of Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) and in further view of Sasson, Jr. ('771) because, Markham *et al.* ('118) teach that such a pet toy provides for an improved product by permitting increased visibility when pets play in the water.

15. Claims 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denesuk *et al.* (US Patent No. 6,576,246 B1) in view of Kamiura *et al.* (US Patent No.4,605,527) and in further view of Sasson, Jr. (US Patent No. 6,341,771 B1), Willinger (US Patent No. 6,622,659 B2) and Markham *et al.* (US Patent No. 5,904,118).

Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) and in further view of Sasson, Jr. ('771) and Willinger ('659) teach the basic claimed process as described above.

Regarding claims 22 and 24, Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) and in further view of Sasson, Jr. ('771) and Willinger ('659) do not teach a pet chew toy having a rope and a buoyant insert made from a closed cell foam inserted into a cavity of said toy. Markham *et al.* ('118) teach a molded pet chew toy having a rope attached and a buoyant insert made from closed cell foam inserted into a cavity of said toy (see col. 2, lines 6-16 and Figure 6). Therefore, it would have been obvious for one of ordinary skill in the art to have formed a pet chew toy having a rope and a buoyant insert made from a closed cell foam inserted into a cavity of said toy as taught by Markham *et al.* ('118) using the process of in view of Kamiura *et al.* ('527) and in further view of Sasson, Jr. ('771) and Willinger ('659) because, Markham *et al.* ('118) teach that such a pet toy provides for an improved product by permitting increased visibility when pets play in the water.

16. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denesuk *et al.* (US Patent No. 6,576,246 B1) in view of Kamiura *et al.* (US Patent No. 4,605,527) and in further view of Markham (US Patent No. 5,832,877).

Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) teach the basic claimed process as described above.

Regarding claim 8, Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) do not teach a pet chew toy having an animal treat retained in a cavity therein. Markham ('877) teaches an animal chew toy having animal treats retained in a cavity therein (see Abstract and Figure 3). Therefore, it would have been obvious for one of ordinary skill in the art to have formed a pet chew toy having an animal treat retained in a cavity therein as taught by Markham ('877) using

the process of Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) because, Markham *et al.* ('118) teach that such a pet toy provides for increased life by allowing the pet to use said toy for an increased period of time, hence providing for an improved product.

17. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levin *et al.* (US Patent No. 6,672,252 B2) in view of Kamiura *et al.* (US Patent No.4,605,527) and in further view of Sasson, Jr. (US Patent No. 6,341,771 B1) and Markham (US Patent No. 5,832,877).

Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) and in further view of Sasson, Jr. ('771) teach the basic claimed process as described above.

Regarding claim 18, Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) and in further view of Sasson, Jr. ('771) do not teach a pet chew toy having an animal treat retained in a cavity therein. Markham ('877) teaches an animal chew toy having animal treats retained in a cavity therein (see Abstract and Figure 3). Therefore, it would have been obvious for one of ordinary skill in the art to have formed a pet chew toy having an animal treat retained in a cavity therein as taught by Markham ('877) using the process of Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) and in further view of Sasson, Jr. ('771) because, Markham *et al.* ('118) teach that such a pet toy provides for increased life by allowing the pet to use said toy for an increased period of time, hence providing for an improved product.

18. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denesuk *et al.* (US Patent No. 6,576,246 B1) in view of Kamiura *et al.* (US Patent No.4,605,527) and in further view of Sasson, Jr. (US Patent No. 6,341,771 B1), Willinger (US Patent No. 6,622,659 B2) and Markham (US Patent No. 5,832,877).

Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) and in further view of Sasson, Jr. ('771) and Willinger ('659) teach the basic claimed process as described above.

Regarding claim 23, Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) and in further view of Sasson, Jr. ('771) and Willinger ('659) do not teach a pet chew toy having an animal treat retained in a cavity therein. Markham ('877) teaches an animal chew toy having animal treats retained in a cavity therein (see Abstract and Figure 3). Therefore, it would have been obvious for one of ordinary skill in the art to have formed a pet chew toy having an animal treat retained in a cavity therein as taught by Markham ('877) using the process of Denesuk *et al.* ('246) in view of Kamiura *et al.* ('527) and in further view of Sasson, Jr. ('771) and Willinger ('659) because, Markham *et al.* ('118) teach that such a pet toy provides for increased life by allowing the pet to use said toy for an increased period of time, hence providing for an improved product.

Response to Remarks

19. Applicant's remarks filed March 29, 2006 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Staicovici, Ph.D. whose telephone number is (571) 272-1208. The examiner can normally be reached on Monday-Friday 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stefan Staicovici, PhD



Primary Examiner

6/9/06

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